

Table 2 continued: Examples of State C & D Landfill Siting Restrictions Regarding: Safety & Wetlands

State	Regulation	Safety	Wetlands
Wisconsin	NR 503	Landfills prohibited where there is a probability that the landfill will cause: The migration and concentration of explosive gases in any landfill structures, excluding any leachate collection system or gas control or recovery system components or in the soils or air at or beyond the landfill property boundary in excess of 25% of the lower explosive limit for the gases at any time. (f) The emission of any hazardous air contaminant exceeding the limitations for those substances contained in s. NR 445.04 or 445.05	
Minnesota	Minnesota Rule 7035.2825	Demolition debris must not be located: A. on a site with karst features including sinkholes, disappearing streams, and caves.	Disposal not allowed within wetland areas or within a shoreland area.
Ohio	OAC Chapter 3745-400: Construction & Demolition Debris	(15) Shall not cause or allow operations to create a nuisance or health hazard from noise, dust, odors, and the attraction and/or breeding of birds, insects, rodents, and other vectors.	
Illinois	Title 35, Sub J, Chpt 1, Part 1100, sections 101-104		The facility shall not cause a violation of Section 404 of the Clean Water Act (33 U.S.C. 1344).
Indiana	Indiana Administrative Code. Title 329. Solid Waste Management Board. Article 10. Solid Waste Land Disposal Facilities Rule 33 Rule 33. Restricted Waste Site Type III and Construction/Demolition Sites; Location Restrictions	329 IAC 10-8.2-3 Waste that is hot or capable of generating heat (a) Waste that is hot, or capable of generating heat in combination with other wastes or water, such that the heat may adversely affect routine solid waste disposal operations or facility structure or human health must be managed in accordance with this section, as applicable. (b) The waste must be cooled or allowed to cool to a temperature that will not adversely affect the elements listed above prior to shipment for disposal. Also, (c) The waste must be treated to prevent any exothermic reaction if such contact may adversely affect routine solid waste disposal operations or facility structure or human health. Finally, (d) The waste must be isolated to prevent contact with another waste or with water if such contact may adversely affect routine solid waste disposal operations or facility structure or human health.	Waste site Type III must be prohibited from Wetlands in violation of Section 404 of the Clean Water Act as amended February 4, 1987.

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Florida	FDEP 62-701.730 Solid Waste Management Facilities Also, 62-701.300	Landfills that receive degradable wastes shall have a gas management system designed to prevent explosions and fires, and to minimize off-site odors, lateral migration of gases and damage to vegetation. Combustible gases shall be calibrated to methane.	No solid waste may be disposed of Within 200 feet of a water body, including wetlands
Massachusetts	19.206: Construction and Demolition (C&D) Waste Processing Facilities Requirements	(26) Fire Protection and Control. (a) The operator shall ensure that no materials are stored, held, maintained or placed at a landfill in such a manner as to pose a fire hazard. (b) A separate area shall be provided, located away from combustible materials, uncovered refuse and buildings, for quick dumping and quenching or snuffing of hot loads. (c) Immediately notify the fire departments having jurisdiction, and the appropriate Regional Office of the Department whenever smoldering, smoking or burning has occurred or is occurring at the landfill. (d) Seek fire-fighting assistance, initiate and provide assistance and/or resources for fire-fighting actions until all smoldering, smoking and burning cease. (e) The operator shall not conduct disposal activities in the vicinity of any smoldering, smoking or burning area. Precautions should be taken to prevent disposal activities from interfering with fire-fighting activities. (f) Any disruption of the finished grade or covered surfaces as a result of fire fighting activities should be repaired or replaced immediately upon termination of fire-fighting activities.	310 CMR 19.038 2. The leachate containment structure of a landfill shall not be located within a resource area protected by the Wetlands Protection Act, M.G.L. c. 131, § 40, including the 100 year floodplain;
New York	Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York 6 NYCRR Subchapter B: Solid Wastes Part 360: Solid Waste Management Facilities Section 360-7.3 Section 360-7.4	(c) Aircraft safety (1) A landfill or landfill subcell into which C&D debris is to be disposed must be located no closer than 5,000 feet from any airport runway end used by piston-powered fixed-wing aircraft and no closer than 10,000 feet from any airport runway end used by turbine-powered fixed-wing aircraft.(2) An existing C & D landfill or landfill subcell located less than 10,000 feet from any airport runway end used by turbine-powered fixed-wing aircraft or less than 5,000 feet from any airport runway end used only by piston-powered fixed-wing aircraft must	

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		provide documentation that the Federal Aviation Administration believes the landfill or landfill subcell does not pose a bird hazard to aircraft. (3) The final elevation of a new landfill or expansion of an existing landfill must not extend more than 200 feet above the highest elevation of the land surface that existed prior to landfill development unless the Federal Aviation Administration believes that the proposed fill height in excess of 200 feet will not present a safety hazard to air traffic.	
Louisiana	Title 33 ENVIRONMENTAL QUALITY Part VII. Solid Waste Subpart 1. Solid Waste Regulations		Chapter 7, Subchapter D, 719, A, 3 Environmental Facilities located in or within 1,000 feet of swamps, marshes, wetlands, estuaries, and similar critical environmental areas shall be isolated from such areas by effective barriers that eliminate probable adverse impacts from facility operations
Texas	Texas Administrative Code Title 30 Environmental Quality Part 1 Texas Commission On Environmental Quality Chapter 330 Municipal Solid Waste	Subchapter M Location Restrictions Rule §330.545 Airport Safety a) Owners or operators of new municipal solid waste landfill units, existing municipal solid waste landfill units, vertical or lateral expansions, and landfill mining operations that are located within 10,000 feet of any airport runway end used by turbojet aircraft or within 5,000 feet of any airport runway end used by only piston-type aircraft shall demonstrate that the units are designed and operated so that the municipal solid waste landfill unit does not pose a bird hazard to aircraft. New facilities and lateral expansions located within a five-mile radius of any large general public commercial airport runway end used by turbojet or piston-type aircraft shall notify the affected airport and the FAA.	Municipal solid waste storage or processing facilities shall not be located in wetlands unless the owner or operator makes each of the demonstrations identified in subsection (b)(1) - (5) of section §330.553

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<p>Nevada</p>	<p>Nevada Administrative Code Chapter 444</p> <p>NAC 444.652 Disposal of special wastes: Wastes from construction, demolition. Class III Sites</p> <p>NAC 444.735 Location. (NRS 444.560)</p>		<p>NAC 444.679 Location restrictions: Wetlands.</p> <p>1. A new municipal solid waste landfill unit or a lateral expansion may not be located in wetlands unless the owner or operator demonstrates that: that there is no available practicable alternative that does not involve wetlands impacts. (b) the unit should not: (1) Cause or contribute to violations of any applicable state water quality standard set forth in NAC 445A.450 to 445A.492, (2) Violate any applicable toxic effluent standard or prohibition set forth in section 307 of the federal Clean Water Act of 1977 (33 U.S.C. § 1317), To the extent required by section 404 of the Clean Water Act (33 U.S.C. § 1344), or any applicable state laws, actions have been taken to attempt to achieve no net loss of wetlands, as defined by acreage and function: 1-Avoid impacts, 2-minimize unavoidable impacts, 3-offset remaining unavoidable impacts.</p>
<p>California</p> <p>PAGE 4</p>	<p>20240. SWRCB - Classification and Siting Criteria. (C15: section 2530-33).</p> <p>20260. SWRCB - Class III: Landfills for Nonhazardous Solid Waste</p> <p><i>Chapter 3</i> Criteria for All Waste Management Units, Facilities, and Disposal Sites</p> <p><i>Subchapter 2.</i> Siting and Design</p> <p><i>Article 3.</i> Waste Management Unit, Facility, or Disposal Site Classification and Siting</p>	<p>(d) Ground Rupture — New Class III shall not be located on a known Holocene fault.</p> <p>(e) Rapid Geologic Change — New Class III landfills can be located within areas of potential rapid geologic change only if the RWQCB finds that the Unit's containment structures are designed, constructed, and maintained to preclude failure.</p>	

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New Mexico	NMSA 1978, §§ 74-1-8(A)(14) and the Solid Waste Act, NMSA 1978, §§ 74-9-1 to 74-9-42. Title 20 Environmental Protection Chapter 9 Solid Waste Part 1 Solid Waste Management Subpart 1 ii Maximum Size; Siting Criteria; Design Criteria	403.Additional Construction And Demolition Landfill Operation Requirements. All construction and demolition landfill owners and operators shall: A. minimize the on-site population of disease vectors through the periodic application of cover material or other techniques as appropriate so as to protect public health, welfare and the environment; B. apply periodic cover material by the application and compaction of soil or other suitable material over disposed construction and demolition debris at the end of each operating day or at such frequencies and in such a manner as to reduce the risk of fire and impede vector's access to the waste C. ensure the concentration of explosive gases generated by the facility or practice shall not exceed: 1.twenty-five percent (25%) of the lower explosive limit for the gases in facility structures (excluding gas control or recovery system components); and 2.the lower explosive limit for gases at the property boundary. D. limit public access so as to not expose the public to potential health and safety hazards at the facility.	303.Siting Criteria For Construction And Demolition Landfills. [8-17-94] A. .No construction or demolition landfill shall be located in floodplains, within 500 feet of wetlands, or 200 feet of a watercourse.
Washington	WAC 173-350-410 Inert waste landfills. RCW 70.95.065 Inert waste landfills.		In a channel migration zone as defined in WAC 173-350-100, or within one hundred feet measured horizontally, of a in accordance with WAC 248-54-660(4).
Oregon	Department Of Environmental Quality, Division 95 Solid Waste: Land Disposal Sites Other Than Municipal Solid Waste Landfills	(16) Fire Protection: (a) make arrangements with the local fire control agency to immediately acquire their services when needed and provide adequate on-site fire protection as determined by the local fire control agency; (b) In case of accidental fires at the site, initiate and continue appropriate fire-fighting methods until all smoldering, smoking and burning ceases; (c) Do not allow the dumping of combustible materials within the immediate vicinity of any smoldering, smoking or burning conditions at a non-municipal land disposal site, or allow dumping activities to interfere with fire-fighting efforts.	

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